

REMARKS

Applicants acknowledge receipt of an Office Action dated March 12, 2003. In this response Applicants have amended claims 1, 2, 6, 8, 10, 11 14, 16, 17, and 18 and have added claims 19-20. Support for these amendments may be found in the specification *inter alia* at paragraphs [0007], [0008], [0011], [0015], [0019] and [0023]. Claims 5 and 7 have been cancelled without prejudice or disclaimer. Following entry of these amendments, claims 1-4, 6 and 8-20 are pending in the application. Claims 1-4, 6, 8-17 and 19 are generic to species 1, 3, 4 and 5, and claims 18 and 20 are generic to all species.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Objections to the Drawings

On page 2 of the Office Action, the PTO has objected to the drawings, noting that the partition separating the first heat exchanger into a left portion and a right portion (claim 9) as well as the partition separating the first and second heat exchangers into respective left and right portions (claim 10) must be shown in the drawings or canceled from the claims. In response to the PTO's objection, Applicants note that Figure 7 depicts a partial section of a heating and air-conditioning system. The partition 28 divides the heat exchanger into a left section and a right section. Reference numeral 8a shows a right air outlet region. For clarity, Applicants have added reference numeral 4a, which shows the right section of the heat exchanger and have added an arrow at the end of reference numeral 4 to indicate that reference numeral 4 refers to the entire heat exchanger.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the drawings.

Objections to the Specification

On page 3 of the Office Action, the PTO has objected to the specification for various minor informalities. In this response, Applicants have amended the specification to address the PTO's objections.

With regard to the abstract of the disclosure, Applicants have amended the abstract to correct the minor informalities noted by the PTO.

With regard to the use of the acronym "PTC", Applicants have amended paragraph [0016] to insert the phrase "(positive temperature coefficient)" following the acronym "PTC".

With regard to the antecedent basis issues raised in the Office Action, Applicants have amended claim 16 to replace the phrase "said removable" with "said releasable" for consistency with the terminology of claim 1 (from which claim 16 depends) and for consistency with the terminology used in the specification, for example, in paragraphs [0006], [0007], [0008] and [0011]. Applicants have also amended claim 16 to correct a typographical error by replacing the term "real" with "rear". These amendments do not narrow the scope of claim 16.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the specification.

Objections to the Claims

On pages 3 and 4 of the Office Action, the PTO has objected to claims 10, 14 and 17 for minor informalities. With regard to claims 10 and 14, Applicants have amended claim 10 to delete the term "a" and have amended claim 14 to replace the acronym "PTC" with the phrase "positive temperature coefficient". With regard to claim 17, Applicants have redrafted claim 17 in independent form. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the claims.

Rejections Under 35 U.S.C. §112, 2nd Paragraph

On page 4 of the Office Action, the PTO has rejected claims 1-18 under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite. Applicants have amended claims 1, 2, 10, 11, 16 and 18 and respectfully traverse this rejection for the reasons set forth below.

With regard to claim 1, Applicants have deleted the extraneous term, "selection," which appeared in line 10 of the claim, and Applicants have added the phrase "section either" to the end of line 12 of claim 1. In addition, Applicants have amended claim 1 to replace the phrase "tight/leak-proof manner" with the phrase "in a tight, leak-proof manner" for consistency with the language used earlier in the claim and with the language used in the specification.

With regard to claim 2, Applicants have amended this claim to recite "the motor vehicle" as suggested by the PTO.

With regard to claim 10, Applicants have amended this claim to replace the phrase "a partition" with the term "partitions" so that it is clear that there are two separate partitions, one per heat exchanger. See, for example, paragraphs [0019] and [0023].

With regard to claim 11, Applicants have amended this claim to insert the phrase "a wall of" before the phrase "said connecting section".

With regard to claim 16, as discussed *supra*, Applicants have amended claim 16. Applicants submit that these amendments to claim 16 obviate the antecedent basis issues raised by the PTO.

With regard to claim 18, Applicants have amended claim 18 to insert features (i) and (ii) after feature (c). In view of this amendment, Applicants submit that the presence of the term "either" in claim 18 is now clear and definite. In addition, to avoid confusion in both claims 1 and 18, Applicants have replaced the term "means" in line 9 with the term "fastener".

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §112, 2nd paragraph.

Rejections Under 35 U.S.C. §102

On page 7 of the Office Action, the PTO has rejected claims 1-5, 12, 13, 15 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,478,274 to Danieau (hereafter "Danieau"). In addition, on page 8 of the Office Action, the PTO has rejected claims 1-6, 9, 12, 14, 15 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,256,692 to Umebayahi *et al.* (hereafter "Umebayahi"). As set forth below, Applicants respectfully traverse these rejections.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131. Here, both Danieau and Umebayahi fail to disclose "either (i) a releasable cover for covering, in a tight, leak-proof manner, said air outlet opening through said connecting section; or (ii) a rear temperature control unit . . . comprising an additional housing having a second heat exchanger operably integrated therein" as recited in independent claims 1 and 18. Accordingly, Applicants submit that neither Danieau nor Umebayahi can properly anticipate claims 1 or 18 or the claims which ultimately depend therefrom.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §102.

Newly Added Claims 19 and 20

In this response, Applicants have added claims 19 and 20 which depend from claims 1 and 18, respectively. Each of these claims specifies types of fasteners for selectively attaching either a releasable cover or a rear temperature control unit to the connecting section. Applicants submit that each of these claims is allowable for the same reasons as the independent claim from which it depends.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is

earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 14, 2003

By P.D.S.

FOLEY & LARDNER
Customer Number: 22428



22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Paul D. Strain
Agent for Applicant
Registration No. 47,369

ABSTRACT OF THE DISCLOSURE

[0037] Disclosed is a conditioning housing having a connecting section which is provided with at least one air outlet opening. The air outlet opening may be connected to either an attachable rear temperature-control unit which or closed tightly, in a leak-proof manner, by a removable covering part. The present disclosure relates, generally, to a heating and air-conditioning system for a motor vehicle having a conditioning housing in which at least one heat exchanger is integrated and which has a plurality of air outlet openings for guiding air to front interior zones of the motor vehicle.